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EXAMINER

PATEL, SHEFALI D

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 01/30/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/622,810

Applicant(s)

TILSLEY, GWILYM J

Examiner

Shefali D Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment was received on September 15, 2003.
2. The new title has been accepted and entered.
3. Changes in the specification have been entered.
4. The new proposed drawings for Figures 1 and 3 have been accepted, and objection to the drawings have been withdrawn.
5. 35 U.S.C. 112 2nd paragraph rejections made to claims 1 and 4 have been withdrawn.
6. Claims 2, 4, and 6 have been cancelled.

Response to Arguments

1. Applicant's arguments filed on September 15, 2003 have been fully considered but they are not persuasive. Applicant argues starting on page 11 of remarks that the examiner "does not indicate how or where Aviv teaches the control functions over the image analysis means." Aviv teaches control function over the image analysis means at control means 18 which is providing control functions to the imaging, processing and analysis means as seen in figure 1 and also at column 7 lines 16-19. Note that the image raster analyzer is included within processing means 12 at column 4 line 60. It is clear from figure 1 and the respective portion in the specification that the controller is linked (i.e., hence, connected) to processing means 12 (which discloses analysis means) thru the VCR controller 28, post processor 17 and comparison means 14. Applicant further argues referring to MPEP 2144.03 and request that "the Examiner should cite a reference in support of his or her position" regarding the inherent rejection having an operator available to determine the events in claim 1. Hence, new ground of rejection regarding claim 1

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is made. 35 U.S.C. 103(a) rejection is made using Aviv in view of Sergeant et al. (US 5,517,236). See the rejection below.

Applicant argue on page 12 “there is no analysis shown in Aviv which is responsive to events seen by the camera.” It is clear from Aviv’s invention that the events are seen by the camera with respect to analysis means. NOTE: image processing means is programmable such that an operator can pre-determine the events, which activate use of image analysis means (the pre-determine events are: 1. “two on one” at column 4 line 66, two person approaching one person from front and behind, column 5 lines 1-7; 2. “concerned and curious” at column 8 lines 7-11 when two people are moving closer together; 3. “suspicious actions” at column 10 line 1 when an “expressions” made by a car-jacker are being recorded and transmitted column 9 lines 58-61.) And Suitable control means for the invents listed here, respectively, are: 1. segment the image and determine the movement at column 5 lines 4-7 and lines 64-67; 2. sampling rate is being increased and entire system is activated to determine the intent of the actions at column 8 lines 12-18; 3. video picture is recorded of a car-jacker and transmitted via a cell phone at column 9 lines 60-65.).

Information Disclosure Statement

2. The information disclosure statement filed on September 15, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been

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considered. NOTE: reference JP 10-336632 does not have any English translation (at least of an abstract) and hence it is not being considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aviv (US 5,666,157) in view of Sergeant, et al. (US 5,517,236) (hereinafter, "Sergeant").

With regard to **claim 1** Aviv discloses a surveillance system comprising imaging means (column 4 line 20, picture means 10), said imaging means being positioned so as to have a field of view of an area over which surveillance is required (column 4 lines 26-28), image processing means, (column 4 lines 55-56, image processing means 12) said image processing means being programmable such that (an operator can pre-determine) the events which activate use of image analysis means (the pre-determine events are: 1. "two on one" at column 4 line 66, two person approaching one person from front and behind, column 5 lines 1-7; 2. "concerned and curious" at column 8 lines 7-11 when two people are moving closer together; 3. "suspicious actions" at column 10 line 1 when an "expressions" made by a car-jacker are being recorded and transmitted column 9 lines 58-61.). Aviv further discloses image analysis means (Aviv: image raster analyzer in processing means 12 at column 4 line 60), said image analysis means utilizing processing means to determine suitable control function responses to events viewed by said imaging means (suitable control function to each event stated above, respectively, are: 1.

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segment the image and determine the movement at column 5 lines 4-7 and lines 64-67; 2. sampling rate is being increased and entire system is activated to determine the intent of the actions at column 8 lines 12-18; 3. video picture is recorded of a car-jacker and transmitted via a cell phone at column 9 lines 60-65.), and a system control means (column 7 lines 16, controller 18), for providing general control functions to said imaging means, processing means, and analysis means (note, control means 18 is providing control functions to the imaging, processing and analysis means as seen in figure 1 and also at column 7 lines 16-19), wherein said imaging means comprises at least one first imaging means 10 and one second imaging means 20 as seen in Figure 1, said second imaging means having the ability to provide more detailed information in relation to a partial section of the view of said first imaging means (at column 7 lines 26-29), and wherein first and second imaging means are movable in response to commands from a central system control means at column 7 lines 16-22. Note, controller 18 is controlling both picture means 10 and 20. Imaging means 20 is controlled directly by 18 and imaging means 10 is controlled thru controller 28.

Aviv discloses an operator (i.e., Security personnel manning the monitors) who can pre-determine the events at col. 9 lines 66-67 to col. 10 lines 1-5. However, Aviv does not expressly disclose having an operator who can pre-determine the events, which activate use of image analysis means. Sergeant discloses this feature at col. 4 lines 39-55 and col. 9 lines 18-39. Aviv and Sergeant are combinable because they are from the same field of endeavor, i.e., detection in a surveillance system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Sergeant with Aviv. The motivation for doing so is to have an user interface so that an operator can program the system to activate the system

depending on a pre-determine criteria as suggested by Sergeant at col. 11 lines 55-61 and col. 12 lines 22-25. Therefore, it would have been obvious to combine Sergeant with Aviv to obtain the invention as specified in claim 1.

With regard to **claim 3**, Aviv discloses a plurality of said surveillance systems that are so positioned in relation to an area which is to be subjected to surveillance, that the combination of the fields of view said imaging systems provides for the ability to follow the progress of event moving or developing within the field of view of the plurality of said imaging means at column 6 lines 45-51. Here number of imaging means distributed over number of facilities (having combination of the field of view) providing the ability to follow the progress on one monitor.

With regard to **claim 5** Aviv discloses image analysis means comprising an artificial intelligence (AI) means at column 4 lines 57-58. Here, processing means comprises AI means and processing means included image analysis means as stated in claim 1, hence, image analysis means comprises AI.

With regard to **claims 7 and 8** Aviv discloses image analysis means comprising an AI means which provides for the establishment of pattern or behavioral analysis, such analysis providing a filter mechanism to eliminate from further analysis activates or patterns of behavior which have been previously analyzed and are regarded as unimportant (See the filtering means 40 in Figure 4 and respective portion in the specification, also, See, Col. 6 lines 27-45).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,969,755 and US 5,491,511.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D Patel whose telephone number is 703-306-4182. The examiner can normally be reached on M-F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Shefali D Patel
Examiner
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DANIEL MARIAM
PRIMARY EXAMINER

January 16, 2004